The Chairman, Matthew Kovacs, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, July 15, 2008 in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik
Glenn Clark
Kenneth Courtney
Marcia Gies
Matthew Kovacs
David Lambert
Tom Strat

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Allan Motzny, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 17, 2008

Motion by Lambert
Supported by Gies

MOVED, to approve the minutes of the meeting of June 17, 2008 with the following correction. Mr. Lambert asked that Item #7 show that Ms. Gies was in support of the motion made by Mr. Strat for approval.

Yeas; 6 – Clark, Courtney, Gies, Lambert, Strat, Bartnik
Abstain: 1 – Kovacs

MOTION TO APPROVE MINUTES WITH ABOVE CORRECTION CARRIED

ITEM #2 – APPROVAL OF ITEM #3 AND ITEM #4

RESOLVED, that Item #3 and Item #4 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by Lambert
Supported by Courtney

Yeas: All – 7

ITEM #3 – RENEWAL REQUESTED. MNAD PROPERTY II LLC, 3236 ROCHESTER, for relief to have a six-foot high wood fence in lieu of the six-foot high screening wall required by Section 39.10.01 along the south property line where the property abuts residentially zoned land.

J-1h

ITEM #3 – con't.

Mr. Stimac explained that the petitioner is requesting renewal of relief to have a six-foot high wood fence in lieu of the six-foot high screening wall required by Section 39.10.01 along the south property line where the property abuts residentially zoned land. The variance was originally granted in 1968 and annually renewed for a number of years.

This item last appeared before this Board at the meeting of July 17, 2007 and was granted a one-year variance to allow a wooden fence in lieu of the wall and allow the Board to determine the appearance of the property with the fence.

MOVED, to grant MNAD Property, LLC, 3236 Rochester, a three-year (3) renewal of relief to have a six-foot high wood fence in lieu of the of the six-foot high screening wall required by Section 39.10.01 along the south property line where the property abuts residentially zoned land.

- Conditions remain the same.
- We have no complaints or objections on file.

ITEM #4 – RENEWAL REQUESTED. PRISCILLA B. KING TRUST, 2212 LIVERNOIS, for relief to maintain a metal fence in lieu of the 6' high masonry-screening wall required along the east property line where this commercial property abuts residentially zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of relief to maintain a metal fence in lieu of the 6' high masonry-screening wall required along the east property line where this commercial property abuts residentially zoned property. This Board originally this relief in 1983, primarily due to the fact that the petitioner owns the property to the east, which is undeveloped. This item last appeared before this Board at the meeting of July 2005 and was granted a three (3) year renewal. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Priscilla B. King, Trust, Atlas Veneer Fireplace, 2212 Livernois a three (3) year renewal of relief to maintain a metal fence in lieu of the 6' high masonry screening wall required along the east property line where this commercial property abuts residentially zoned property.

- Conditions remain the same.
- We have no complaints or objections on file.

ITEM # 5 - VARIANCE REQUESTED. ZACH & MELISSA KEEN, 3833 MEADOWBROOK, for relief of the Ordinance to construct a covered screen porch that will result with a 31.8' rear yard setback where Section 30.10.02 of the Ordinance requires a 45' minimum rear yard setback in R-1B Zoning Districts.

ITEM #5 – con't.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to construct a covered screen porch. The site plan submitted indicates the construction on the rear of their home with a proposed 31.8' rear yard setback. Section 30.10.02 requires a 45' minimum rear yard setback in R-1B Zoning Districts.

This item first appeared before this Board at the meeting of June 17, 2008. At that time it was discovered that the petitioners had changed their original request from a 33.8' rear yard setback to a 31.8' rear yard setback. The Building Department re-published this request and sent out the appropriate notices to property owners and occupants within 300' of this site.

Mr. Keen was present and stated that he had talked to his neighbors regarding the larger variance and no one objected to this request. Mr. Keen brought in two (2) approval letters (one of which had previously been received).

The Chairman opened the Public Hearing. No one wished to speak and the Public Hearing was closed.

There are seven (7) written approvals on file. There are no written objections on file.

Motion by Courtney
Supported by Gies

MOVED, to grant Zachary and Melissa Keen, 3833 Meadowbrook, relief of the Ordinance to construct a covered screen porch that will result with a 31.8' rear yard setback where Section 30.10.02 of the Ordinance requires a 45' minimum rear yard setback in R-1B Zoning Districts.

- Not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property described in this application.
- This property backs up to a landscape buffer along the freeway.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #6- VARIANCE REQUESTED. DENNIS SIAVRAKAS OF BRYDEN HOMES, 660 E. LONG LAKE, for relief of the Ordinance to split an existing parcel of land that will result in one lot that is 83.51' wide and the other lot 83.37' wide, where Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85' in the R-1C Zoning District.

ITEM #6 – con't.

Mr. Stimac explained that the petitioner is requesting relief of Section 30.10.04 of the Zoning Ordinance to split an existing parcel of land. This parcel is located in the R-1C Zoning District and Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85'. The site plan submitted indicates that this split will result in one lot that is 83.51' wide and the other lot 83.37' wide.

Due to an error in publishing this notice, this request has been postponed to a Special meeting of the Board of Zoning Appeals, on Tuesday, July 29, 2008.

Motion by Courtney
Supported by Gies

MOVED, to postpone the request of Dennis Siavrakas, Bryden Homes, 660 E. Long Lake, for relief of the Ordinance to split an existing parcel of land that will result in one lot that is 83.51' wide and the other lot 83.37' wide, where Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85' in the R-1C Zoning District.

- To allow for the proper Public Hearing notice to be placed in the newspaper.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL JULY 29, 2008 CARRIED

ITEM #7 - VARIANCE REQUESTED. GARY ABITHEIRA, 3367 ELLENBORO, for relief of the Ordinance to split an existing parcel of land into home sites, which will result in each having a lot area of 7,320 square feet. Section 30.10.06 of the Zoning Ordinance requires 7,500 square feet lot area in the R-1E Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to split an existing parcel of land, which will result in two lots each with a lot area of 7320 square feet. Section 30.10.06 of the Zoning Ordinance requires 7500 square feet lot area in the R-1E Zoning District.

The petitioner was not present.

Mr. Strat stated that the Public Hearing could be opened at tonight's meeting and then adjourned if the Board decided to postpone this item.

Mr. Bartnik asked if the proposed houses would meet the minimum square footage for this Zoning District.

Mr. Stimac stated that in the R-1E Zoning District, the minimum square footage of homes is 1,000 square feet. These homes are proposed to be 40' x 32", which would result in homes that are 1,282 square feet.

ITEM #7 – con't.

Mr. Strat asked if the 60' lot width was typical for this area.

Mr. Stimac said that Ellenboro has an interesting mix of lot sizes. Lots on the west side of the road are very shallow and lots on the east side of the road are much deeper that what you typically see. All of the other lots comply with the Ordinance requirements. There are three (3) lots to the south that are close to what is being proposed. However, they are 61.5' wide and about 1' deeper than the subject lots and comply with the minimum area requirements.

Mr. Strat asked if the Board is approving the site plan submitted with the request.

Mr. Stimac stated that staff recommends to the petitioner when asking for a variance in lot size that they submit plans that demonstrate that the proposed lots are viable parcels for constructing conforming homes.

Mr. Strat said that the 60' lot width is within the size of the surrounding R-1E lots.

Mr. Stimac stated that there are thousands of lots within the City in the R-1E Zoning District that are 60' in width. The typical size of these lots is 60' x 125'. The petitioner is proposing two lots that are 60' x 122'.

Mr. Kovacs asked how far up the R-1E Zoning District goes.

Mr. Stimac explained that it stretches to the center line of Trombley. South of that line the property is zoned R-1E and north of that line the property is zoned R-1C.

The Chairman opened the Public Hearing.

Mrs. Jolene Roudebush, 3370 Kilmer was present. Mrs. Roudebush stated that her property backs up to this site. Mrs. Roudebush said that she is opposed to this variance. By allowing the smaller lots her property will overlook two smaller sites and Mrs. Roudebush believes it will bring her property value down. Mrs. Roudebush also stated that they have had a problem with drainage at the back of the property and this site sits higher than her property.

Mr. Courtney suggested that Ms. Roudebush put her concerns in writing and turn it into the Building Department for distribution to the Board members.

Mr. Kenneth Parrett, 3376 Ellenboro was present and stated that his property is across the street from this site. Mr. Parrett stated that he is neither for nor against this request. Mr. Parrett informed the Board that this request had been before the Board previously and at that time the members stated that they did not want to split the parcel as it would

ITEM #7 – con't.

resemble properties in Sterling Heights or Warren. At that time, the lady that owned the house was looking to sell the home due to financial concerns and wasn't able to. Six months after the Board met the home went into foreclosure. Mr. Parrett also stated that the Board had suggested that the petitioner purchase an extra 10' from the neighbors behind in order to comply with the Ordinance.

Mr. Courtney asked Mr. Stimac if he knew when this request was before the Board previously.

Mr. Stimac stated that he would check into the date but advised the Board that the previous request had been withdrawn by the petitioner and no final action was taken by the Board.

Mr. Kovacs stated that the comments may still apply but this is a new Board and this Board will have to consider all the facts.

Mrs. Roudebush stated that Gary Abitheira had approached her about selling him an additional 10' but they never sat down and discussed a serious offer. Mrs. Roudebush also stated that she was not interested in selling part of her property.

Mr. Stimac stated that this request had appeared before the Board on May 16, 2006 and according to the minutes of that meeting due to the fact that the petitioner withdrew the request no further action was taken by the Board.

The Chairman adjourned the Public Hearing at this time.

There are two (2) written approvals on file. There are no written objections on file.

Motion by Courtney
Supported by Gies

MOVED, to deny the request of Gary Abitheira for relief of the Ordinance to split an existing parcel of land, which will result in two lots each with a lot area of 7,320 square feet. Section 30.10.06 of the Zoning Ordinance requires 7,500 square feet lot area in the R-1E Zoning District.

Mr. Bartnik stated that he would not be in favor of denying this request unless the petitioner did not show up for the next meeting.

Mr. Strat said that he would not vote to deny this request without input from the petitioner.

Mr. Courtney withdrew his motion to deny.

ITEM #7 – con't.

Motion by Courtney
Supported by Bartnik

MOVED, to adjourn the public hearing on the request of Gary Abitheira, 3367 Ellenboro, for relief of the Ordinance to split an existing parcel of land, which will result in two lots each with a lot area of 7,320 square feet where Section 30.10.06 of the Zoning Ordinance requires 7,500 square feet lot area in the R-1E Zoning District, until the next regular meeting of the Board of Zoning Appeals on August 19, 2008.

- To allow the petitioner the opportunity to be present.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL AUGUST 19, 2008 CARRIED

Mr. Bartnik asked Mr. Stimac to find out who owned this piece of property.

Mr. Stimac stated that he would have that information for him at the August 19th meeting.

The Chairman adjourned the Board of Zoning Appeals meeting at 8:05 P.M.

Matthew Kovacs, Chairman

Pamela Pasternak

Pamela Pasternak, Recording Secretary